

Family Violence Indicator and Child Support

STATE OF MICHIGAN



OFFICE OF CHILD SUPPORT
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JOHN ENGLER, Governor
FAMILY INDEPENDENCE AGENCY
DOUGLAS E. HOWARD, Director

OFFICE OF CHILD SUPPORT LETTER POLICY BULLETIN

DATE: May 1, 1999

NO: 99-04

TO: Office of Child Support Staff and Manual Holders

SUBJECT: FAMILY VIOLENCE INDICATOR AND CHILD SUPPORT

The Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA) establishes the State and Federal Case Registries. One important component of the State Case Registry, which is in the process of being built in Michigan, is the Family Violence (FV) Indicator. The FV Indicator is attached to any individual for whom there is reasonable evidence of domestic violence or child abuse, and who has been or potentially may be in danger of abuse. Information will not be shared with other states through the Federal Case Registry on individuals whose FV Indicator is set to "Y" (Yes).

With release 1.4.1 of CSES already in some counties and due to be released shortly in others, a new field is available for the Support Specialist to manually set the FV flag to "Y" (Yes) or "N" (No). The field remains blank until the a code is set systematically or manually. There is no default value. The following situations prompt a Specialist to set the flag to "Y":

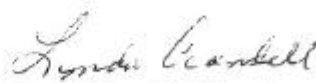
- * A Personal Protection Order (PPO) is entered against the non custodial parent in the IV-D case. (An automatic interface with PPO data is being negotiated. Until that is implemented, if you become aware of a PPO in a court action or otherwise, enter a "Y" in the FV Indicator field.)
- * Good Cause for child support is pending or granted in a FIP/MA case. (Data Warehouse version 3.1.1 will automatically set the flag to "Y" in this instance.)
- * The Friend of the Court case address confidentiality flag is in place. (DW version 3.1.1 will automatically set the FV Indicator to "Y" in this instance.)

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- * The client has been granted a deferral from Work First because of Domestic Violence. (The employment code=DV if there is a deferral.) No automatic interface is available for this item at this time. If you become aware that a client is deferred, enter a "Y" in the FV Indicator field.
- * If in an interstate case, a client signs a Uniform Nondisclosure form (FIA-4791) and you are aware of it, enter a "Y" in the FV Indicator field.
- * If you become aware that an FIA-970, "Affidavit for Withholding Name, Address and Amount of Assistance From Disclosure to General Public" has been signed by a client set the FV Indicator to "Y".
- * If none of the above triggers occur but the worker still feels that there is "reasonable evidence of domestic violence or child abuse, and the disclosure of such information (i.e. location information) could be harmful to the parent or the child of such parent" the FV indicator should be manually set. [Legal authority: 42USC 653 (b)(2)] This may be a subjective decision by the Support Specialist or a "self-disclosure" from a client. This is not the same as a good cause determination and no other consequences occur except for the information being safeguarded.

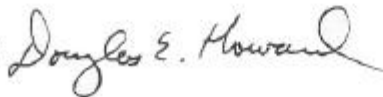
In reverse, change the FV indicator to "N" if the situation that triggered the "Y" no longer exists.

Attached is an L-Letter that pertains to Domestic Violence that all staff should review. A manual update will be forthcoming. Retain this bulletin until further notice.



Lynda Crandall, Director
Family Independence Services Administration

Approved by:
Director



Attachment: L-Letter L-99-04

STATE OF MICHIGAN
FAMILY INDEPENDENCE AGENCY

L-99-004
SERVICES/FIP

MEMORANDUM

To: County Directors
District Office Managers

From: Jim Nye *for*
Field Operations Administration

Subject: Domestic Violence - Policy Clarifications and
Operations Expectations

Date: January 14, 1999

Response Due: None

This L-letter clarifies and reinforces expectations and provides local office staff with service delivery requirements in situations involving victims of domestic violence. It also provides an overview of current manual material and suggestions regarding implementation. Both complement training being provided to all FIS and FIM staff by the Michigan Domestic Violence Prevention and Treatment Institute.

Please review this information with all applicable staff and develop local office procedures as indicated. FIS, Child Support, and FIMs particularly need to be involved in this effort.

Personal Responsibility and Work Opportunity Act Guidelines and MFIA Philosophy

The 1996 Personal Responsibility and Work Opportunity Act (PRWOA) provides states the option of waiving certain program requirements in areas of child support, work requirements and time limits for applicants and recipients who are victims of domestic violence. While Michigan FIA has not applied for this specific waiver, we are committed to implementing our current welfare reform policy in a manner that supports the concepts inherent in this federal intent. Current policy includes reference to domestic violence issues and required practices. Feedback from the Domestic Violence training indicates that additional direction and clarification of current policy is warranted.

A victim of domestic violence, as defined by PRWOA, has been subjected to: physical acts that resulted in, or threatened to result in, physical injury; sexual abuse; sexual activity involving a dependent child; being forced as the caretaker relative of a dependent child to engage in non-consensual sexual acts or activities; threats of, or attempts at, physical or sexual abuse; mental abuse; or, neglect or deprivation of medical care. Because of the potential danger in domestic violence cases, special attention to confidentiality issues is required.

Research conducted in various states reveals that over fifty percent of recipients of cash assistance have been victims of domestic violence. The experience of and exposure to domestic violence presents unique barriers to the individuals involved. This requires that cases be handled professionally with sensitivity and compassion.

Recognition of domestic violence as a potential barrier to self sufficiency should not conflict with our operating philosophy of encouraging individuals toward self sufficiency and independence. Most victims of domestic violence prefer to work. They may need extra support and safety planning to be in place before they can work safely. A minority of victims are caught in situations that can make it impossible for them to work safely.

Implementation Guidelines

Interviews

Interview areas should afford privacy so that the client feels safe in sharing information with the specialist. This applies to intake as well as subsequent contacts. Domestic violence issues should never be brought up to the victim with the alleged perpetrator present. Care should also be taken when children, friends or other family are present as the client may not believe they are aware of the domestic violence and/or may not want them to have specific information about the domestic violence.

Client's barriers to contact with specialists should be removed or minimized. For example, assistance with child care and transportation should be explored and offered.

The FIS should be observant for indication of domestic violence during home calls. Home calls may afford an opportunity to discuss issues in privacy.

Orientation

Joint orientations must include information about domestic violence and specify client rights with regard to eligibility requirements.

Packets provided to clients at joint orientations should include information about local domestic violence shelters and related services.

Representatives from domestic violence service providers may be invited to present information at orientations.

Personal orientations should be offered if there is indication of risk to the client and/or the client has reservations about attending the joint orientation.

Local Office Exception Protocols

A three-month deferral from Work First may be granted for victims of domestic violence with additional three-month extensions available with FIM approval.

Adult parents and caretaker relatives with a documented claim of threatened or actual domestic violence, against themselves or their dependent children, that can reasonably be expected to interfere with work requirements are eligible for a work deferral under the domestic violence guidelines. It is not uncommon for a perpetrator of domestic violence to be unwilling to let the victim work outside of the family home. They may insist on being present at anything the victim wishes to do outside the family home. If the threat of violence is severe enough, the victim truly may be unable to work or even seek domestic violence counseling at this time. The victim has to tell the caseworker when they feel that they can safely attend meetings regarding employment or counseling. The client is the best source of information in determining how dangerous their situation is. The only way that the worker can begin to assess this situation is to be able to interview the victim alone. Even then, the victim must feel safe enough to share this information. It will take skilled interviewing techniques to ascertain the needs of this type client.

As an alternative to Work First, assist the client in developing a plan to resolve domestic violence as a barrier to self sufficiency. The plan may include participation in services for domestic violence victims or receipt of related professional care. Specific activities which might reasonably be expected to endanger the client should be avoided. Document the client's agreement in the PRPFC.

As stated in Program Eligibility Manual Item 230, use the client's statement as documentation unless you have sufficient reason to question it. If you have reason to question the statement, you may request further documentation, including any of the following:

- Service from a domestic violence provider
- Medical records
- Court records
- Police records
- School records
- Statement by a licensed therapist or counselor
- Other case record information including children's services

If the information is obtained in verbal form, document the information on the FIA-1171.

Case Record

Care must be taken to assure the security of case records. Staff should be able to easily identify cases involving domestic violence so that information from these records is not released inappropriately. If the victim decides to leave the perpetrator, they need to feel confident that their address is not readily available for the perpetrator. Cases should be tagged so that all staff with access to the physical or computer case record should easily be able to identify these cases.

Local offices may designate these records in a uniform manner, color coded for example. The requirement should be included in the local office protocols.

Confidentiality

The Administrative Handbook should be consulted regarding all requests for information about cases where domestic violence is identified. Information about domestic violence must be provided only in aggregate numbers, rather than names or characteristics about individual cases.

The Bureau of Legal Affairs may be contacted for consultation regarding requests for information.

Communication and Exchange of Information between FIA staffs

In all circumstances, but especially ones involving domestic violence, timely communication among FIA staff is important and expected. Examples of such communications follow:

Timely notice to child support staff about issues of cooperation and good cause.

Contact with Children's Services staff may be a source of information about family circumstances. Further, resources for the client and child(ren) may be available.

Collaboration

Local office directors and managers, or their designees, should maintain an ongoing contact with local directors of domestic violence shelters and service providers, homeless shelters, and Workforce Development Board/Michigan Works! Agencies (WDB/MWAs) to assure that a comprehensive delivery network is established and operational. Other service providers may also be involved in such collaboratives.

Participation Levels

The agency places great importance on achievement and maintenance of mandated participation levels. The importance of this effort continues. Meeting participation requirements must be maintained while assuring that the clients who may be at risk are not placed in jeopardy.

Number and Status of Previous L-Letters Issued on the Same Subject:

**Contact Office: Domestic Violence Prevention and Treatment Board
Cheryl Sibilsky, Interim Executive Director**

Telephone Number of Contact: (517) 335-6388

Distribution: All Staff

Obsolete Date: none

cc: Executive Council
Bureau and Office Directors
Zone Managers
Office of Human Resources

NOTE: As of the publication date of this Resource Book, Debi Cain was Executive Director of the Domestic Violence Prevention and Treatment Board. The telephone number for the Board is (517) 373-8144.